

95. In a handgun having a frame, a sear, and a longitudinally slidable firing element; a passive safety mechanism comprising:

a. a blocking means to block said firing element;

characterized in that said blocking means is located in a frame recess accessible from the rear of said frame.

96. The passive safety mechanism of claim 95 wherein said blocking means acts directly upon a sear catch of said firing element.

97. The passive safety mechanism of claim 95 wherein said blocking means is substantially the same transverse width as said recess.

98. The passive safety mechanism of claim 95 wherein a detachable backstrap provides alignment to said blocking means.

99. The passive safety mechanism of claim 95 wherein a frame mounted positive stop means limits the maximum downward position of said blocking means.

100. The passive safety mechanism of claim 99 wherein said positive stop means is a mandrel for a torsion spring.

### Remarks

The above claims are submitted to be patentable over the prior art for the following reasons.

#### **Khoury Does Not Show a Blocking Means Which Performs an Additional Function**

The last O.A. rejected independent claim 61 on Khoury under Section 102(b). Claim 61 has been rewritten as new claim 81 to more clearly define patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 81 for the following reasons.

(1) Claim 81 recites a longitudinally slidable firing element and a blocking means, stipulating that said blocking means also performs an additional function. This language represents novel structure and distinguishes over Khoury under Section 102. Although Khoury shows a longitudinally slidable firing element [firing pin (18)] and a blocking means [sliding lock (20) acting with spring (62)] the blocking means performs no additional function whatsoever. Sliding lock (20) and spring (62) serve only to block firing pin (18) and do not guide, align, position, or retain any other component. The Examiner's assertion that the blocking means shown in Khoury aligns the triggerbar is categorically not supported by either the drawings or specification. If Examiner persists with this interpretation of Khoury, applicant respectfully requests an explanation of Examiner's reasoning. Sliding lock (20) and spring (62) do not contact triggerbar (46). The alignment of triggerbar (46) does not change regardless of the position, or even the

total absence, of sliding lock (20). This fact should be overwhelmingly obvious when one considers that this reference represents nothing more than the addition of sliding lock (20) and a few related parts to an old and successful existing design, the Colt 1911 pistol. The triggerbar of the Colt 1911 pistol remained satisfactorily aligned for 74 years before the emergence of Khoury for the simple reason that Khoury provides no alignment to the triggerbar.

### **The Rejection of Dependent Claims 63 and 66-67 On Khoury Is Overcome**

Dependent claims 63 and 66-67 were rejected on Khoury under Section 102(b). These claims have been rewritten and/or renumbered as claims 83 and 86-87. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claims for the following reasons.

- (1) The independent claim upon which these claims are dependent has been rewritten to more clearly define patentably over this reference. The independent claim upon which these claims are dependent clearly defines patentably over this reference under Section 102. Khoury does not show a blocking means which performs an additional function.
- (2) With regard to claim 63, now claim 83, the blocking means of Khoury clearly does not provide alignment to a triggerbar, as stated earlier.
- (3) With regard to claim 66, now claim 86, the rejection of this claim is particularly egregious and absurd. Khoury shows the addition of blocking means to an old and successful pistol design, the Colt 1911. The Colt 1911 is perfectly capable of firing without Khoury. The removal of the blocking means of Khoury will not disable the Colt 1911 simply because the Colt 1911 was designed to work without Khoury. Khoury simply represents the installation of add on parts to a fully functional and complete firearm. The removal of the blocking means of Khoury will no more disable a firearm than the removal of the seat belts will disable an automobile.
- (4) With regard to claim 67, now claim 87, this claim is now more narrow than claim 86 which should be allowed in its own right.

### **Khoury Does Not Show a Blocking Means Located in a Frame Recess**

The last O.A. rejected independent claim 73 on Khoury under Section 102(b). Claim 73 has been renumbered as new claim 95 and clearly defines patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 95 for the following reasons.

- (1) Claim 95 recites a blocking means located in a frame recess accessible from the rear of said frame. This language represents novel structure and distinguishes over Khoury under Section 102. Khoury shows a blocking means [sliding lock (20) acting with spring (62)] which is located in the slide, not in the frame. The slide mounted location of the blocking means is clearly evident from the drawings and is also explicitly mentioned in the specification. Column 1, lines 41-42 state "a firing pin lock slideably mounted on the breech-slide." Column 3 lines 63-65

reiterate the slide mounted blocking means by stating that "lock 20 is mounted...in breech bolt 16." Not only is the blocking means of Khoury located in the slide instead of the frame, access is from the underside of the slide, not the rear. The Examiner appears to have misinterpreted this reference. If the Examiner persists with this interpretation of Khoury, applicant respectfully requests an explanation of Examiner's reasoning.

**Khoury Does Not Show a Longitudinally Slidable Firing Element Having a Sear Catch and Khoury Does Not Show a Blocking Means Acting Upon a Sear Catch**

The last O.A. rejected dependent claim 74 on Khoury under Section 102(b). Claim 74 has been renumbered as new claim 96 and clearly defines patentably over this reference. Applicant requests reconsideration of this rejection, as now applicable to claim 96 for the following reasons.

(1) Claim 96 recites a blocking means which acts directly upon the sear catch of a longitudinally slidable firing element. This language represents novel structure and distinguishes over Khoury under Section 102. The longitudinally slidable firing element shown in Khoury, firing pin (18), DOES NOT HAVE A SEAR CATCH. A sear catch by definition must be engageable with a sear. Firing pin (18) is not capable of engaging sear (34) and absolutely positively does not have a sear catch. If the firing element does not have a sear catch, there is no way that the blocking means can act upon such a nonexistent sear catch. The Examiner appears to have misinterpreted this reference. If the Examiner persists with this interpretation of Khoury, applicant respectfully requests an explanation of Examiner's reasoning.

**The Rejection of Dependent Claims 75 and 77 On Khoury Is Overcome**

Dependent claims 75 and 77 were rejected on Khoury under Section 102(b). These claims have been rewritten and/or renumbered as claims 97 and 99. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claims for the following reasons.

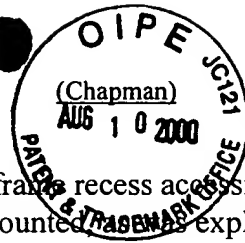
(1) The independent claims upon which these claims are dependent clearly defines patentably over this reference under Section 102. Khoury does not show a blocking means within a frame recess nor does Khoury show a frame recess accessible from the rear.

(2) With regard to claim 77, now claim 99, this claim has been narrowed to specify that the positive stop means is frame mounted.

**Claim 98 is Unobvious: Floyd and Oberhammer Do Not Show Detachable Backstraps**

Dependent claim 76 was rejected on Khoury in view of Floyd or Oberhammer under Section 103(a). This claim has been renumbered as claim 98. Applicant requests reconsideration of this rejection, as now applicable to the renumbered claim for the following reasons.

(1) The independent claim upon which this claim is dependent clearly defines patentably over this reference under Section 102. Khoury does not show a blocking means within a frame recess



nor does Khoury show a frame recess accessible from the rear. The blocking means shown is Khoury is instead slide mounted frame as explained earlier.

(2) Adding Floyd or Oberhammer to Khoury would not result in the claimed structure or render it obvious. Floyd does not show a detachable backstrap. Instead, a grip safety is disclosed. Oberhammer shows a breakaway view; however, a detachable backstrap is not shown.

(3) The invention provides new and unexpected results. The detachable backstrap does more than merely provide easy access to internal components. The detachable backstrap also aligns the blocking means and provides a bearing surface for the blocking means to slide upon during blocking and unblocking. The detachable backstrap also eliminates the need for a sideplate or open sided frame and thereby facilitates a dramatic increase in frame strength.

### **Compliance with Examiner's Instructions**

The last O.A. rejected independent claims 68 and 79 on Khoury under Section 102(b); however, all related dependent claims were deemed to be allowable if rewritten in independent form. Dependent claims 69-72 and 80 have been rewritten as new independent claims 88 and 93 and dependent claims 89-92, and 94. Applicant respectfully requests allowance of these claims.

### **Non-Applied References Do Not Show The Invention**

Applicant has reviewed the non-applied references. These references do not show the invention or render it obvious.

### **Conclusion**

For all the above reasons, applicant submits that the specification and claims are now in proper form and that the claims all define patentably over the prior art. Therefore, applicant submits that this application is now in condition for allowance, which action is respectfully requested.

### **Conditional Request for Constructive Assistance**

If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 706.03 (d) and 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,

Applicant: Daniel L. Chapman

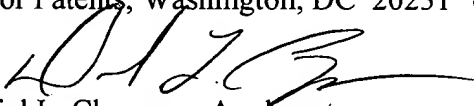
P.O. Box 710316  
Santee, CA 92072-0316  
(619 448-5510)



**Certificate of Mailing**

I hereby certify that this correspondence, and attachments, if any, will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to : "Assistant Commissioner for Patents, Washington, DC 20231" on the date below.

Date: 2000 August 3

  
Daniel L. Chapman, Applicant